The hon. the PRESIDENT :—" Honourable Members are aware that it is now 12 o'clock, and out of the 66 pages of questions and answers, we have reached only the 20th page. Standing Order No. 8 is to the effect that the first hour of every sitting shall be available for the asking and answering of questions. I take it to mean, unless the hon. the Law Member or anybody else is of the contrary opinion, that more time may be made available, and I propose to go on with questions and answers."

Execution of decrees time-barred on account of the Mappilla rebellion.

237 *Q.*—Mr. V. MADHAVA RAJA : Will the hon. the Law Member be pleased to state the action taken by the Government to redress the loss caused to parties in the affected area in Malabar in cases where the execution of civil decrees became time-barred during the late rebellion ?

A.—No such case has been brought to the notice of the Government.

Companies.

Joint Stock Companies.

238 *Q.*—Mr. SAMI VENKATACHALAM CHETTIYAR : Will the hon. the Law Member be pleased to state the number of Joint Stock Companies which came into existence in the Presidency during the last five years and how many of these and the old ones were wound up during the said period ?

A.—The hon. Member is referred to the annual administration reports on the working of the Indian Companies Act, 1913, placed on the Editors' Table.

Criminal Justice.

The Imperial Bank fraud case.

239 *Q.*—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased—

(*a*) to place all the papers connected with the appointment by the Government of the Advocate-General and of Mr. Nugent Grant to conduct the Imperial Bank fraud case, on the table ; or

(*b*) to state all the facts connected therewith ?

239-A *Q.*—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) whether the Crown Prosecutor was asked in the usual course to conduct the Imperial Bank fraud case and he declined, and, if so, for what reasons ; and

(*b*) whether those reasons were considered satisfactory by the Government ?

239-B *Q.*—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) whether it is not true that Mr. Nugent Grant saw him in connexion with the Imperial Bank fraud case before the papers had come up to him officially, and he promised to appoint him as Special Public Prosecutor ;

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(*b*) whether a Government Order was issued declining to appoint Mr. Nugent Grant as Special Public Prosecutor ; and

(*c*) whether he will place the said Government Order on the table of this House ?

239-C *Q*.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) whether his attention has been drawn to the report in the newspapers of the first hearing of the Imperial Bank fraud case before the Chief Presidency Magistrate ; and

(*b*) whether the statements then made by Mr. Nugent Grant and the Commissioner of Police that Mr. Grant would be appointed as Special Public Prosecutor are correct ?

239-D *Q*.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) whether a new Government Order has been issued appointing the Advocate-General and Mr. Nugent Grant as Public Prosecutors to conduct the Imperial Bank fraud case ;

(*b*) the reasons for these appointments ; and

(*c*) whether he will place a copy of the Government Order on the table ?

239-E *Q*.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state whether in issuing the Government Order referred to in Question No. 196, his attention has been drawn to—

(*a*) the provisions of sections 492 and 493 of the Criminal Procedure Code ;

(*b*) the fact that Mr. Nugent Grant had been paid and was to be paid a heavy fee by the real complainant in the case, viz., the Imperial Bank ;

(*c*) the judgment of Coutts-Trotter, J., in C.S. No. 527 of 1919, delivered on 15th March 1921 and His Lordship's remarks therein strongly condemning the practice now authorized by the said Government Order of engaging a person paid by a private party as a Public Prosecutor ; and

(*d*) a Government Order, dated the 31st July 1916, directing that such persons should not be engaged as Public Prosecutors ?

239-F *Q*.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) the fees to be paid to the Advocate-General by the Government for the conduct of the Imperial Bank fraud case ;

(*b*) the probable amount which will have to be spent on that account ;

(*c*) whether Mr. Nugent Grant is to be paid any fees by the Government ;

(*d*) whether he has been paid any fees by the Imperial Bank ; and

(*e*) what are the fees he is to be paid for conducting this case ?

239-G *Q*.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(*a*) whether he, at one time, i.e., before the Crown Prosecutor declined to conduct the Imperial Bank fraud case, considered him fit to conduct this case ; and

(*b*) the reasons why he now thinks the services of the Advocate-General and of Mr. Nugent Grant are necessary to conduct this case ?

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239-H Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state whether—

(*a*) he has any intention of asking Mr. Nugent Grant to return to the Imperial Bank the fees he has taken from them and to take no more fees from them; or

(*b*) in the event of his refusal, he has any intention of cancelling his appointment as Special Public Prosecutor in the Imperial Bank fraud case?

239-I Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(*a*) whether a Government Order has been issued in modification of an earlier Government Order directing that the Advocate-General need not conduct the prosecution in the Imperial Bank fraud case and entrusting the sole conduct of the case to Mr. Nugent Grant;

(*b*) the reasons for the issue of this new Government Order; and

(*c*) the grounds on which this Government Order entrusting the conduct of a State prosecution to a counsel paid by a private party is sought to be reconciled with

(i) the well-known practice in all civilized countries of entrusting the conduct of such cases only to public prosecutors retained and paid by the Government,

(ii) the previous Government Orders of the Government of Madras, directing that public prosecutors should receive no payment from private parties, and

(iii) the judgment of Mr. Justice Coutts-Trotter in C.S. No. 527 of 1919 on the file of the Madras High Court?

239-J Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(*a*) whether the Police or the Imperial Bank or both approached him at any time with a request to appoint Mr. Nugent Grant as Special Public Prosecutor to conduct the Imperial Bank fraud case;

(*b*) whether it is true that Mr. Nugent Grant was paid a fee, examined the books of the Bank and advised a prosecution before the complaint was filed and the amount of that fee;

(*c*) what are the fees which Mr. Nugent Grant has so far received or will receive from the Bank for the conduct of this case;

(*d*) whether the Government are paying him any fees;

(*e*) whether Mr. Nugent Grant was approached by the Government to pay back the fees he has taken from the Bank and he declined;

(*f*) whether it is true that, throughout, the attempt of the Police and the Bank has been to see that no Indian shall conduct the prosecution in this case;

(*g*) whether the Police declined to instruct the Advocate-General in this case;

(*h*) whether the Police, at any time, did instruct the Advocate-General; and

(*i*) whether the Advocate-General was a consenting party to his being sent out of the case?

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239-K *Q.*—Mr. S. Satyamurti : Will the hon. the Law Member be pleased to state—

(*a*) whether his attention has been drawn to a resolution of the Madras High Court Vakils' Association, expressing its disapproval of the action of the Madras Government in having entrusted the conduct of the prosecution in the Imperial Bank fraud case to Mr. Nugent Grant, Counsel, originally retained by the Bank ;

(*b*) whether the Government have paid, or are going to pay, any fee to Mr. Nugent Grant for conducting their case, and, if so, what sum or at what rate ; and

(*c*) whether Mr. Nugent Grant has been paid, or is going to be paid, by the Bank, and, if so, what sum or at what rate ?

A.—The Government must decline to answer these questions until after the termination of the proceedings in the Presidency Magistrate's Court, but the Government propose to issue a communiqué setting out all the circumstances in which an exceptional course was pursued in this case necessitating the engagement of Counsel other than one of the Law Officers of the Crown.

Dr. P. Varadarajulu Nayudu.

240 *Q.*—Mr. S. Satyamurti : Will the hon. the Law Member be pleased to state—

(*a*) the source of information on which he based his answer to Mr. T. Adinarayana Chettiyar's question in the Council held on 12th December 1923 that Dr. P. Varadarajulu Nayudu had invited the Japanese to invade India ; and

(*b*) whether his attention has been drawn to the public denial of this statement by Mrs. Varadarajulu Nayudu ?

A.—(*a*) The information on which the answer was based was the shorthand report of a speech delivered by Varadarajulu Nayudu at Kallidaikurichi in the Tinnevelly district on 22nd March 1923, in which the following passage occurs :—

"Some think that we must call Japan to our aid and crush this people (the British). Japan is our elder brother. If Japan is respected more, then Japan will try to claim India for themselves. Then many of us will proceed with Purnakumbhams (welcome demonstrations) and will say wholeheartedly what Japan is doing is quite right."

The Government were strengthened in their construction of this speech by another made by him on the 24th March 1923 at Tuticorin in which amongst others this passage occurs :—

"Europeans come to India in the winter season . . . Then we must create some riots and some of us should go to jail."

(*b*) The Government have seen no public denial of this statement by Varadarajulu Nayudu himself, but have seen a letter from Mrs. Varadarajulu Nayudu published in some newspapers.

Mr. C. Ramalinga Reddi :—"May I put a supplementary question to the hon. the Law Member ? I am sure he is as anxious as any of us not to give away the character of any one who is as qualified as he himself. It